



TFW  
PATENT  
Attny Dkt No.: 11032-3040

3622

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: MERRIMAN, Dwight A. et al  
Appl'n No.: 10/082,069  
Filing Date: 26 February 2002  
For: NETWORK FOR DISTRIBUTION OF  
RE-TARGETED ADVERTISING

Group Art Unit: 3622  
Examiner: Champagne,  
Donald

**Mail Stop AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97 & § 1.98**

Sir:

Under the provisions of 37 C.F.R. § 1.97(b)(3), and in accordance with Applicants' duty of disclosure under 37 C.F.R. § 1.56, Applicants would like to call to the Office's attention the references listed on the attached substitute form PTO-1449 (18 sheets). This filing is intended to replace and supplement the IDS filing of February 26, 2002 in the present application.

Applicants also direct the Office's attention to the following related pending applications, among which the listed references have been cited:

- U.S. Reissue Application No. 09/577,798 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed May 24, 2000, reissue of U.S. Patent No. 5,948,061
- U.S. Application No. 11/250,575 entitled Method and Apparatus for Automatic Placement of Advertising, filed October 17, 2005
- U.S. Application No. 10/254,923 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 26, 2002
- U.S. Application No. 10/798,342 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004
- U.S. Application No. 10/798,340 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004

- U.S. Application No. 10/798,444 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on March 12, 2004
- U.S. Application No. 10/937,341 entitled Method of Delivery, Targeting, and Measuring Advertising over Networks, filed on September 10, 2004

It is respectfully requested that the listed references be expressly considered during the prosecution of this application, that the Examiner initial each listed reference to evidence its consideration, and that the references be made of record therein and appear among the "References Cited" section on any patent to issue therefrom.

Pursuant to 37 C.F.R. § 1.98(a)(2)(ii), Applicants have not provided copies of the listed U.S. patents and U.S. patent application publications but will do so if required by the Office.


The filing of this Information Disclosure Statement and the enclosed substitute form PTO-1449 shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).

As this statement is being filed before the mailing of a first Office action on the merits pursuant to 37 C.F.R. § 1.97(b), no fee is believed due. Nonetheless, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Kenyon & Kenyon LLP's Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Dated: August 14, 2006

  
Bradley J. Meier  
(Reg. No. 44,236)

KENYON & KENYON LLP  
1500 K Street, N.W., Suite 700  
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 18

### Complete if Known

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Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

### U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. 1	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,602,279		FREEMAN	07-22-1986	
		4,703,423		BADO et al.	10-27-1987	
		4,775,935		YOURICK	10-04-1988	
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		4,996,642		HEY	02-26-1991	
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		5,504,894		FERGUSON et al.	04-02-1996	

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Date  
Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet 2 of 18

## Complete if Known

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Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

	5,515,098	CARLES	05-07-1996
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	5,537,542	EILERT et al.	07-16-1996
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Considered

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Sheet 3 of 18

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Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

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Sheet 4 of 18

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		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		DE	19528911	A1	GOLDSCHIEDER	02-12-1997		
		EP	0 216 535	A2,A3	MATERNA et al.	04-01-1987		
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		WO	96/31848	A2,A3	BURDON et al.	09-10-1996		
		WO	96/36926	A1	MCDONALD et al.	11-21-1996		

Examiner Signature	Date Considered
--------------------	-----------------

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Sheet 6 of 18

### Complete If Known

Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

	WO	96/38796	A1	MOHR	12-05-1996		
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	WO	98/57285	A1	MESSER et al.	12-17-1998		
	WO	01/65747	A1	ELDERING et al.	09-07-2001		

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<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 7 of 18

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Filing Date	26 February 2002
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Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
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	Bounty Quest Web page displaying article titled "Digital Porn Mogul Wins Silver Bullet Award; (http://www.bountyquest.com/winner/bachelor.htm;	printed on 3/9/01)	
	Bounty Quest Web page displaying article titled "DoubleClick Prior Art; (http://www.bountyquest.com/patentinfo/douclclickart.htm;	printed on 3/9/01)	
	Business Plan posted on Bounty Quest Website titled "Summary of Proposed Business Activities for the World Wide Internet Network (WWIN); (http://www.bountyquest.com/images/douclclickPage9.gif;	printed on 3/9/01)	
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-----------------------	--------------------

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First Named Inventor	MERRIMAN, Dwight A.
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Sheet 9 of 18

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Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

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Signature

Date  
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**INFORMATION DISCLOSURE  
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Sheet 10 of 18

**Complete If Known**

Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
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Sheet 11 of 18

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Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

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	Interactive Age; The Newspaper for Electronic Commerce; Z00015-Z00019 / SD027086-SD027090	
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	Link Marketing; Z00022-Z00027 / SD027093-SD027098	
	LinkMarket; David Zinman et al.; Z00028-Z00030 / SD027099-SD027101	

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Sheet 12 of 18

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First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

	LinkMarket; David Zinman et al.; Z00031-Z00032 / SD027102-SD027103	
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	Re: Rest Parameters; October 23, 1995; Jason Strober; Z00093-Z00094 / SD027164-SD027165	

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Sheet 13 of 18

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First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

	Proposal (fwd); October 23, 1995; Jason Strober; Z00095-Z00096 / SD027166-SD027167	
	Advertising advisory board; October 25, 1995; David Zinman; Z00097-Z00099 / SD027168-SD027170	
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	Re: Who's in and who's out (fwd); Nov. 21, 1995; Jason Strober; Z00127-Z00128 / SD027195-SD027196	
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 14 of 18

### Complete if Known

Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

	Saturn reports; Dec. 5, 1995; Jennifer Ratner; Z00134-Z00140 / SD027199-SD027205	
	November Report; Dec. 5, 1995; Jennifer Ratner; Z00141-Z00146 / SD027206-SD027211	
	FocaLink Media Services; Dec. 6, 1995; David Zinman; Z00147 / SD027212	
	FocaLink Media Services; Dec. 6, 1995; David Zinman; Z00148 / SD027213	
	FocaLink Media Services; December 6, 1995; David Zinman; Z00149 / SD027214	
	FocaLink for the Layman; December 6, 1995; David Zinman; Z00150 / SD027215	
	Microtargeting; December 7, 1995; David Zinman; Z00151 / SD027216	
	Info on FocaLink Media Services; December 11, 1995; David Zinman; Z00152-Z00154 / SD027217-SD027219	
	FocaLink Media Services; December 11, 1995; David Zinman; Z00155-Z00156 / SD027220-SD027221	
	Catch-up time; December 11, 1995; David Zinman; Z00157 / SD027222	
	Info on FocaLink; December 13, 1995; David Zinman; Z00158-Z00160 / SD027223-SD027225	
	Intel Ad on Dilbert Site; December 13, 1995; David Zinman; Z00161 / SD027226	
	Re: Intel Ad on Dilbert Site; December 13, 1995; David Zinman; Z00162 / SD027227	
	FocaLink Beta Test on SmartBanner; Dec. 14, 1995; David Zinman; Z00163 / SD027228	
	I/Pro Mtg Today; December 19, 1995; David Zinman; Z00164 / SD027229	
	Eric Smith Quote (fwd); January 10, 1996; David Zinman; Z00165 / SD027230	
	FocaLink Communications, Inc.; January 10, 1996; David Zinman; Z00166 / SD027231	

Examiner Signature	Date Considered
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 15 of 18

### Complete If Known

Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

	Re: Advertisers for wpp.net; January 12, 1996; David Zinman; Z00167 / SD027232	
	Quote for Press Release; January 15, 1996; David Zinman; Z00168 / SD027233	
	Re: Quote for Press Release; January 16, 1996; "thomas mark"; Z00169 / SD027234	
	Re: Quote for Press Release (fwd); January 16, 1996; David Zinman; Z00170-Z00171 / SD027235-SD027236	
	RE> **Ad Placement Notific; January 19, 1996; Dan_Stoller@anlsf.com; Z00172-Z00173 / SD027237-SD027238	
	Invitation; January 25, 1996; wilkins@elt.com; Z00174 / SD027239	
	Focalink; January 25, 1996; David Zinman; Z00175 / SD027240	
	SmartBanner Reports; January 25, 1996; David Zinman; Z00176 / SD027241	
	RE: Focalink; January 26, 1996; Rick Vorhaus; Z00177 / SD027242	
	Comments; January 29, 1996; David Zinman; Z00178-Z00182 / SD027243-SD027247	
	Poppe Tyson/Internet Advertising Network Alliance; February 26, 1996; Ron Kovas; Z00183 / SD027248	
	fyi; February 5, 1996; "Roger Folis"; Z00184-Z00185 / SD027249-SD027250	
	Focalink Communications; February 5, 1996; David Zinman; Z00186-Z00188 / SD027251-SD027253	
	Microsoft Update; February 5, 1996; Margaret Bond; Z00189 / SD027254	
	Focalink Communications; February 6, 1996; David Zinman; Z00190-Z00192 / SD027255-SD027257	
	Focalink Communications; February 6, 1996; David Zinman; Z00193-Z00195 / SD027258-SD027260	
	Focalink Communications; February 6, 1996; David Zinman; Z00196-Z00198 / SD027261-SD027263	

Examiner  
Signature

Date  
Considered

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 16 of 18

### Complete if Known

Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

	[Fwd: Re: DoubleClick and IAN]; February 6, 1996; Jason Strober; Z00199 / SD027264	
	Focalink Communications; February 6, 1996; David Zinman; Z00200-Z00202 / SD027265-SD027267	
	Test With Focalink; February 7, 1996; David Zinman; Z00203 / SD027268	
	Urgent - Microsoft Ad Placement; February 7, 1996; David Zinman; Z00204 / SD027269	
	Test for Microsoft Banner; February 8, 1996; Joel Bassuk; Z00205 / SD027270	
	ZDNet Test; Margaret Bond; February 8, 1996; Z00206 / SD027271	
	URLs; February 8, 1996; Dan Stoller; Z00207-Z00208 / SD027272-SD027273	
	HeadsUp 02-09-96 (20 stories)<CD58M010>; February 9, 1996; An Information Service of Individual Inc.; Z00209-Z00212 / SD027274-SD027277	
	Focalink Communications; February 13, 1996; David Zinman; Z00213 / SD027278	
	Targeting; February 13, 1996; Michael Wang; Z00214 / SD027279	
	Re: Cookies!; February 15, 1996; David Zinman; Z00215 / SD027280	
	Focalink; February 22, 1996; Jason Strober; Z00216 / SD027281	
	Focalink/Microsoft I.E.; February 23, 1996; Margee Bond; Z00217-Z00218 / SD027282-SD027283	
	Cookies; March 6, 1996; David Zinman; Z00219 / SD027284	
	Did I send this 2x; April 3, 1996; Z00220-Z00222 / SD027285-SD027287	
	Answer to your request; April 8, 1996; Z00223 / SD027288	
	Site Letter; April 10, 1996; Z00224-Z00225 / SD027289-SD027290	

Examiner Signature		Date Considered	
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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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Sheet 17 of 18

## **Complete if Known**

Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

		Oracle and Intel; April 12, 1996; Z00226 / SD027291	
		DoubleClick; April 16, 1996; Z00227 / SD027292	
		Open Market Licenses With NetGravity; May 6, 1996; Z00228 / SD027293	
		Fact check; May 12, 1996; Z00229 / SD027294	
		IDG; May 17, 1996; Z00230-Z00231 / SD027295-SD027296	
		Daily Spectrum; May 20, 1996; Z00232-Z00242 / SD027297-SD027307	
		Fact check; May 20, 1996; Z00243 / SD027308	
		Cookie FAQ; May 21, 1996; Z00244 / SD027309	
		Focalink Communications; May 21, 1996; Z00245-Z00246 / SD027310-SD027311	
		Network World Fusion; May 22, 1996; Z00247 / SD027312	
		Looming issue; July 13, 1996; Z00248-Z00249 / SD027313-SD027314	
		Cookies & privacy ? / German Press; July 15, 1996; Z00250 / SD027315	
		Cookies & privacy ? / German Press; July 16, 1996; Z00251 / SD027316	
		DoubleClick; September 5, 1996; Z00252-Z00253 / SD027317-SD027318	
		Infoseek Business Terms; September 7, 1996; Z00254-Z00256 / SD027319-SD027321	
		SmartBanner ads on HotWired; September 11, 1996; Z00257 / SD027322	
		Statement of Work; September 23, 1996; Z00258-Z00259 / SD027323-SD027324	

Examiner Signature		Date Considered	
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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 18 of 18

### Complete if Known

Application Number	10/082,069
Filing Date	26 February 2002
First Named Inventor	MERRIMAN, Dwight A.
Group Art Unit	3622
Examiner Name	Champagne, Donald
Attorney Docket Number	11032-3040

		NetGravity Releases Adserver 2.0; October 21, 1996; Z00260-Z00263 / SD027325-SD027328	
		"FOCALINK"; DC004278A	
		"FocaLink Services"; FocaLink Media Services, Inc.; DC004278B-DC004278C	
		"Welcome to Focalink!"; FOCALINK COMMUNICATIONS; DC004278D-DC004278CC	
		"Welcome to Focalink!"; FOCALINK COMMUNICATIONS; DC004278DD-DC004278XX	
		"Link Marketing"; handwritten page; MA0001	
		"Link Marketing"; LinkMarket; MA0002-MA0007	
		"LinkMarket"; David Zinman et al.; MA0008-MA0027	
		"Link Marketing, LLP"; MA0028-MA0029	
		"Link Marketing LLP"; MA0030-MA0038	
		"Escapes"; Web page; MA0039-MA0040	
		"Industry Overview"; FocaLink Media Services, Inc.; MA0041-MA0053	
		"Executive Summary"; Focalink Communications Confidential; printed 7/30/97; MA0054-MA0109	
		"FOCALINK COMMUNICATIONS"; February 1996; MA0110-MA0149	

Examiner Signature	/Donald Champagne/ (03/03/2008)	Date Considered	
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